

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**July 8, 2019**

The Westfield Board of Adjustment met on Monday, July 8, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

**REGULAR MEETING:**

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle  
ABSENT: Eldy Pavon, James Keenoy  
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the June 10, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Robert Benacchio seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Eldy Pavon, James Keenoy

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the June 10, 2019, meeting:

**Guillaume & Kelly Grillon, 4 Stanley Oval**, application approved with conditions.  
**Ken Wu, 1128 Central Avenue**, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Robert Benacchio seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle

OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Eldy Pavon, James Keenoy

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

Chairman Masciale made the following announcement:

The following applications have been carried to the August 12, 2019, meeting:

**YMCA, 138 Ferris Place & 220 Clark Street  
 Pedro Pizha, 612 Ripley Place**

**CARRIED FROM JUNE 10TH:**

**Alan Gibbemeyer 521 Carleton Road**

3/5/2019

Applicant is seeking approval to construct a deck addition with an ingress/egress platform for handicap access contrary to Section 11.10E6, 12.04F2, 12.04F3, 12.04G, 13.02I12 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 12.5 feet. Proposed is 7.96 feet. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 23.7%. Ordinance allows a maximum building coverage with a deck & porch of 23.5%. Proposed is 25%. Ordinance allows a maximum all improvement coverage of 50% (6,400 square feet). Proposed is 54.8% (7,070 square feet). Ordinance requires a handicap ramp to be setback 1/2 of the required setback of the principal structure (6.25 feet). Proposed is 4.5 feet. **Application deemed complete May 17, 2019. 120 day decision date is September 14, 2019.**

Chairman Masciale swore in Alan & Larisa Gibbemeyer, and Gregory Ralph (1924 Rt. 22, Bound Brook). The Board accepted Mr. Ralph's credentials as a licensed architect.

Frank Fusaro recused himself from the application.

Mr. Ralph went through the plans with the Board and stated the property is located in the RM-12 zone. The existing dwelling is 2 1/2 stories and is relatively new construction with a walk out basement. The proposed improvements include a 490 square foot deck and an access ramp from the right side of the property. Mr. Ralph stated we spent a lot of time trying to decide on the location of the ramp because of the existing typography. Also proposed is a walkway extension of 120 square feet, which extends from the existing walkway to the ramp. Ms. Gibblemeyer stated we bought the property in 2017. We removed a lot of pavement and a decision was made to keep the garage and reside it to match the house. The ramp is important for access for our son to get to the backyard. It is very hard for him to get around, and we wanted to make everything completely accessible.

Mr. Ralph stated a lot of thought was put into the aesthetics and the maintenance of the property so we tried to do a thoughtful layout. The ramp if it started at the back of driveway, would end up with 6 feet of total rise. Another plan was to zigzag the ramp across the front of the house, but that would provide access only to the front, and the backyard would not be accessible. The side yard variance is necessary because we are unable to move the ramp closer because of the

existing ac condenser and chimney. The proposed size of the deck is thoughtful of the actual use, and the motion of people coming up from the ramp and using the amenity of the deck. We feel the impact is minimal, and the neighbor on the right where the ramp is proposed, has a driveway there so there is a natural buffer of space and openness. The Gibbemeyer's were committed to keep the existing garage and invested money in rehabbing it. However, the garage is 920 square feet which is a contributing factor to the overage in coverage. The impervious coverage might look like a large percentage, but the deck has gravel under it and water can pass through it. There is drywell on site so all leaders feed into the drywell. Upon purchase of the property, the lot was 65-70% impervious coverage which was reduced significantly. Mr. Ralph stated the benefits outweigh the detriments as the approval will benefit the homeowners and the public's safety by providing access to the house and to an outdoor living space. The setbacks and encroachments are in the rear and there is landscaping on the right side of the house. While the proposed deck is what brought us here, a lot of this has to do with maintaining the existing garage, which triggers a number of the variances.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt a considerable number of variances are being requested, but there are some challenges to the property based on the elevation. A lot of effort went into the location of the ramp and the solution that they are providing is the best solution for access to the back area. The ramp would not be visible from the front and the applicants are restricted because of the pitch of the property. A condition of approval would be upon the property being sold; the ramp would be required to be removed.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve with the above condition; Allyson Hroblak seconded.

ALL IN FAVOR:	Chris Masciale, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	Frank Fusaro
ABSENT:	Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

### **Walter Bonilla, 1002 Ripley Avenue**

3/18/2019

Applicant is seeking approval to replace and cover an existing side porch and construct a new raised patio & open pergola contrary to Section 11.09E5, 11.09E7, 12.04F1, 12.04F3 of the Land Use Ordinance. Ordinance requires a street side yard setback of 20 feet. Proposed is 14.7 feet to the pergola. Ordinance requires a minimum rear setback of 35 feet. Proposed is 32 feet to the pergola and 25 feet to the grill structure. Ordinance allows a maximum building coverage of 20%. Proposed is 26.1%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed 26.7%. **Application deemed complete May 22, 2019. 120 day decision date is September 19, 2019.**

Chairman Masciale swore in Walter & Patricia Bonilla, and their architect Michael Tormey (238 Clark Street). The Board accepted Mr. Tormey's credentials as a licensed architect.

Mr. Tormey went through the plans with the Board. He stated the property is a corner lot, which is on the corner of Ripley Place and Pine Street. The side entry platform is so severely undersized that it presents a dangerous condition and does not conform to code. Part of the application is to cover the existing side entry, which will benefit the homeowners by providing coverage from the elements, and increase the size of the platform; it will not exceed the 35 square foot maximum allowed by the ordinance. On Sheet A-1, the outline shows the existing platform which is so small you have to step down to the first couple of steps. This is the entrance the homeowners use to go in and out of the home. We are also proposing to keep the existing roofline, eliminate the porch, and construct a patio with a pergola. There will be a good number of evergreen trees provided that will provide screening from the street side yard. Exhibit A-1, a photo showing the existing undersized side yard platform and the porch was marked.

Open to public questions and comments. None. Closed to public questions and comments.

The Board agreed the applicants are proposing a good plan, which is just repurposing an existing area, and there is a safety concern with the size of the side porch. A lot of variances are being requested and the coverage is already 22%. There would not be very much impact to the neighbors with the proposed screening. Two conditions are to be imposed upon approval, the pergola must remain an open structure and the homeowner is to maintain the shrubs proposed for screening at 5 feet.

Chairman Masciale called for a motion. Matt Sontz made a motion to approve with the above conditions; Frank Fusaro seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon, James Keenoy

Motion carried.

Application approved with conditions.

### **Gurinder Singh, 317 Belmar Place**

2/25/2019

Applicant is seeking approval to construct a new single-family dwelling utilizing a portion of the existing dwelling contrary to Section 11.09E5, 11.09E10, 11.09E12 of the Land Use Ordinance. Ordinance requires a minimum street side yard of 20 feet. Proposed is 14.77 feet. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 5.05 feet at the cantilever and 6.05 at the addition. Ordinance allows a maximum building coverage of 20%. Proposed is 21.9%. Ordinance allows a maximum continuous wall length of 25 feet. Proposed is 40.2 feet. Ordinance requires a front yard setback of 30 feet. Proposed is 30.69 feet.

**Application deemed complete May 16, 2019. 120 day decision date is September 13, 2019.**

Chairman Masciale swore in Gurinder Singh and his architect, Mike Relton (73 Terhune Road Clark). The Board accepted Mr. Relton's credentials as an architect.

Mr. Relton stated we looking to increase the living space, this home is a cape cod, and the total square footage is 1,674 square feet. This is one of the smallest homes in the area. The existing layout has two bedrooms upstairs and a bedroom downstairs so we would like to get the bedrooms all on one level. There is not a garage and we do not believe there was ever a garage on the property. The application is to construct a new single-family home with an attached garage, and we are proposing four bedrooms and three bathrooms. The existing basement and foundation are being kept. On Page 2, the foundation plan illustrates what we are trying to accomplish from a footprint standpoint. We are squaring off the house on the right side and adding a garage. The first floor is being redesigned and we are keeping the majority of the footprint. We are doing an add a level over the balance of the main house and we are not building over the garage. The lot width is less than what is required, 60 feet is required, and the width is only 51 feet. The lot is undersized and is also a corner property. We are requesting 5 variances, most of which are existing non-conforming. The required front setback is 30.23 feet, and the current house sits at 30.69 feet; we are not encroaching any further into the front yard setback. The side yard is an existing nonconformity and the existing setback of 6.05 feet is being maintained, but we are cantilevering the bathroom on the second floor, which is going 1 foot into the side yard setback. The encroachment of 1 foot into the side yard is necessary to break up the continuous wall. The street side yard setback is difficult to meet because of the width of the lot, which is an existing nonconformity and is not being increased. The proposed building coverage is 21.9% and the increase in coverage is because of the garage addition; without the garage the coverage is under 20%.

Mr. Singh stated we lived in Westfield for 3 years and have two kids so having a bedroom downstairs is an issue. We are looking to stay here for a long time and raise our family here.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt the applicant did a good job trying to work with a 51-foot-wide lot. There a lot of pre-existing non-conforming conditions and the applicant is working within the existing footprint. This would be subject to the development fee ordinance.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon, James Keenoy

Motion carried.

Application approved.

**Joseph & Lisa Rath, 437 Dudley Avenue East**

3/27/2019

Applicants are seeking approval to construct a pool contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum all improvement coverage of 50% (6,400 square feet).

Proposed is 48.6% (7,284 square feet). **Application deemed complete May 16, 2019. 120 day decision date is September 13, 2019.**

James Foerst, Esq., (159 Millburn Avenue, Millburn) appeared on behalf of the applicant. Mr. Foerst stated the applicants are looking to construct a pool and a variance is required for the all improvement coverage, which is under the maximum allowed, but is over on the square footage.

Chairman Masciale swore in Sean Donohue of Anthony Sylvan Pools. Mr. Donohue stated the average size pool is 600 square feet, and what is proposed is a standard pool size. There are a lot of factors contributing to the square footage being over the maximum allowed. The pool itself and the amenities around the pool, and a very long driveway which runs the whole length of the property to a detached garage, makes up the additional square footage. Mr. Donohue stated there is not anyway to reduce the hardscape around the pool, and all work proposed complies with required setbacks.

Chairman Masciale swore in Joseph Rath. He stated the size of the pool was determined by being large enough for his family to use, but not too big for the lot. Mr. Rath said the oversized driveway with the turnaround area is necessary because backing out of his property with the traffic in the area is very difficult. The house is right by the corner of Mountain Avenue and the traffic backs up there trying to make a left turn.

Open to public questions and comments. None. Closed to public questions and comments.

The Board felt the lot is a double lot which is an advantage, and the applicant is under the maximum percentage allowed. The property can hold what is being proposed, and usually with a pool there is a setback issue but, in this case, there is not.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Robert Benacchio seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon, James Keenoy

Motion carried.

Application approved.

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Chairman Masciale announced the following applications are carried to the September 9th meeting:

**John & Kathryn Reed, 12 Tudor Oval**  
**Jennifer Khichi, 229 E. Dudley Avenue**

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**Sandra Lema, 313 Myrtle Avenue**

8/3/2018

Applicant is seeking approval to construct a front landing and increase an existing deck contrary to Section 11.12E14, 12.04F2, 12.04F3 of the Land Use Ordinance. Ordinance allows a maximum building coverage with a deck of 22%. Proposed is 25.6%. Ordinance allows a maximum building coverage with an egress landing (front) of 24%. Proposed is 26%. Ordinance requires a one-car garage. Proposed is no garage. **Application deemed complete May 20, 2019. 120 day decision date is September 17, 2019.**

Chairman Masciale swore in Sandra Lema and Abelino Morocho. Mr. Morocho stated the application is to build a landing for the front steps and to increase the area of the existing deck at the rear portion of the house. The front stairs do not have a landing, and we have two small children so we are installing the landing for safety. The steps will be demolished and will be rebuilt coming out 3 feet with the landing, and will be about 4 feet high. An addition of 4 feet is proposed for the existing deck. The lot is irregular shaped and undersized, Mr. Morocho stated when they purchased the property, there was not a garage, and there is not enough space on the property for a garage.

Open to public questions and comments. None. Closed to public questions and comments.

The Board agreed the landing makes sense in the front of the home for safety reasons, and only a modest increase is proposed for the deck. The lot is undersized and irregularly shaped so it is not even possible to put a garage on the property without substantial variances, which presents a hardship issue.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve; Carla Bonacci seconded.

ALL IN FAVOR:	Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Eldy Pavon, James Keenoy

Motion carried.

Application approved.

**Darren Mass, 944 Wyandotte Trail**

5/13/2019

Applicant is seeking approval to construct an inground pool, patio, and spa contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum improvement coverage of 7,200 square feet. Proposed is 8,924 square feet. **Application deemed complete May 22, 2019. 120 day decision date is September 19, 2019.**

Chairman Masciale swore in Robert Roselli (67 Fisk Road, Wayne). The Board accepted Mr. Roselli as a licensed engineer.

Mr. Roselli stated the applicant is proposing a new inground pool and patio. The original house was demolished and there is new dwelling under construction at the property. We are under the percentage for the improvement coverage, but over on the square footage. The pool will be

40x18, with a patio and new landscaping to absorb some of the run off. Mr. Roselli stated there are two 1,000-gallon seepage pits proposed for the main house that will be put in by the homeowners, which exceed the drainage requirements. Since the property is new construction, some trees have been cleared on the property, and three trees are proposed to be removed for the pool installation.

Open to public questions and comments.

Elisa Sananman (936 Wyandotte Trail) stated she lives two houses away from the subject property and has concerns about the proposed application. This area is prone to flooding and if the applicant is going to use an additional 1,700 square feet of land and remove more trees, it will cause problems for everyone in the area.

James Wissel (955 Lawrence Avenue) stated he is in opposition to the application and there a number of neighbors also concerned about the project. Three trees are proposed to be removed which will create a clearing, and the pool and spa will be visible. The proposed plan is in excess of what is allowed and the seepage pits are intended for roof drainage and are not intended for the pool. A 24 % increase in square footage is proposed and there is not much sensitivity to the neighborhood.

Closed to public questions and comments.

The Board was concerned if the property can sustain the additional square footage, which is over by 1,700 square feet, and is substantial. There was testimony from the neighbors about flooding in the area. This is new construction which usually the Board does not approve variances for. The applicant was given the opportunity to make revisions to the plan to address some of the concerns and withdraw the application, or proceed with the current plan. Mr. Roselli stated the applicant will withdraw the application.

**Kevin McKeown, 1907 Grandview Avenue**

4/11/2019

Applicant is seeking approval to construct a two-story addition contrary to Section 11.09E14 and 12.04F1 of the Land Use Ordinance. Ordinance allows a maximum building coverage of 20%. Proposed is 20.63%. Ordinance requires a one-car garage. Proposed is no garage. **Application deemed complete May 23, 2019. 120 day decision date September 20, 2019.**

Chairman Masciale swore in Kevin McKeown and David Bailey (225 Lenox Avenue). The Board accepted Mr. Bailey's credentials as a licensed architect.

Mr. McKeown stated he has a growing family and the current house is getting too small. He recently purchased a 30X50 piece of land from the town. A variance was granted in 2015 for not having a garage, and we are looking to continue that variance. The other variance we are looking for is for the building coverage which is .63% over.

Mr. Bailey went through the plans with the Board. He stated a two-story addition is proposed in the rear, which will include a family room, with a new side entry and stoop. On the second-floor a dressing room is proposed for the master suite. The coverage is 41 square feet over because the landings and overhangs get added to the building coverage. Mr. Bailey stated a garage is not proposed but there is room in the rear yard for a future one-car garage. If the additional land was not purchased from the town, the variances would be more substantial.



Open to public comments and questions. None. Closed to public comments and questions.

The Board agreed the proposed addition with the 1,500 square feet of additional land makes this a straight forward application. The addition is in the rear and it is only 41 square feet over what is allowed, and the ability to add a garage is there for the future.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle  
 OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Eldy Pavon, James Keenoy

Motion carried.

Application approved.

**Vincent & Mary Giglio, 501 Wells Street**

3/27/2019

Applicants are looking to expand an existing one-car garage to a two-car garage contrary to Section 12.03D and 12.04F1 of the Land Use Ordinance. Ordinance requires a front yard setback of 34.9 feet. Proposed is 19.8 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 20.47%. **Application deemed complete May 28, 2019. 120 day decision date is September 25, 2019.**

Chairman Masciale swore in Vincent Giglio and Richard Pierce (9 Stratford Terrace, Cranford). The Board accepted Mr. Pierce's credentials a licensed architect.

Mr. Pierce stated the existing garage is an existing non-conforming condition. The lot is unique, as the house is sideways on a dead-end street, and what the town calls as the front yard is the side of the house, which is where the garage is located. The garage is very small and is only 9 feet wide. The homeowners do not park in the garage because they cannot get in and out. The garage will be expanded by 13 feet for a two-car garage. The predominate setback on Coolidge is 30.9 feet, and the existing setback for the garage is 19.8 feet, which is being maintained. The lot coverage is 40 square feet over what is allowed, which is from the second-floor cantilever.

Open to public comments and questions. None. Closed to public comments and questions.

The Board felt the applicant is trying to meet the ordinance by making a functional garage, while not increasing the pre-existing nonconforming setback.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Allyson Hroblak seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle  
 OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Eldy Pavon, James Keenoy

Motion carried.

Application approved.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:16 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary